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PLAINTIFFS

fees DEFENDANTS

Eubanks

HYDRO CONDUIT CORPORATION,

JAMES W. MILLER d/b/a Miller
Construction Company
UNITED STATES FIDELITY AND
GUARANTY COMPANY, a Maryland
corporation, and
- THE CITY OF BROKEN ARROW
OKLAHOMA

vs

- BENHAM-BLAIR & AFFILIATES, INC.,
a Delaward corporation, d/b/a
W. R. HOLWAY & ASSOCIATES,
Third Party Defendant

CAUSE

28U.S.C. Sec. 1332 - Damages for breach of contract.

ATTORNEYS

CONNER, WINTERS, BALLAINE, BARRY
& McGOWEN
John S. Athens
Bob F. McCoy
2400 First National Tower
Tulsa, Oklahoma 74103
586-5711

Philip McGowan
X David H. Sanders
205 Denver Bldg.
Tulsa, Oklahoma 74119
582-5181
(Atty. for Miller and United
States Fidelity and Guaranty
Company)

F. A. Petrik
106 N. Main
Broken Arrow, Okla.
251-7441
(Atty. for City of Broken Arrow)

X Ray H. Wilburn & Dennis King
555-603 Beacon Bldg. 2504 E. East 71st
Tulsa, Oklahoma 74103 74136
(Atty for City of B.A.) 584-1476

Suite 108, Liberty
Tower Bldg. 9 Hopkins,
Tulsa, OK 74114
(3rd party Deft.)
Paul P. McBride

Harry M. Crowe, Jr.
1714 First Natl. Bank Bldg.
Tulsa, Oklahoma 74103 (587-1128)
(Atty for 3rd Party Deft.
Benham-Blair & Affiliates, Inc.)

Donald G. Hopkins
HOPKINS, KIRK, RUCKER & CO., P.C.
Tulsa, 74119, 1502 S. Boulder

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DATE

RECEIPT NUMBER

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CARD DATE MAILED

JS-5 5-1-76 12-1-8

JS-6 3-1-80 1-1-83

DATE	NR.	PROCEEDINGS
1976		
4-8	1.	COMPLAINT filed, SUMMONS issued.jj
4-14		Summons, ret. & filed: served City of Broken Arrow by serving Dorothy Simmons, City Clerk on 4-8-76; James W. Miller d/b/a Miller Construction Co. on 4-12-76; U. S. Fidelity & Guaranty Co. by serving Insurance Com., Ok. City, on 4-13-76. (USM \$16.16)g
4-11	2	Entry of Appearance and requests 30 days extension of time in which to answer or plead(as part of pleading)filed.t (City of B.A.)
4-22	MO:	The Court has for consideration the request for 30 days addt'l time to plead or answer contained in the Entry of Appearance of Ray H. Wilburn as atty for Deft. The City of Broken Arrow, Including a waiver of all objections to service of process & venue of the action, & being fully advised in the premises, IT IS ORDERED that said request for an extension of 30 days to plead or answer is hereby granted pursuant to T. 12 O.S.A. Sec. 154.6.(AEB-J)b ltr mld
4-26	3.	<u>Ans.</u> of Deft., U.S. Fidelity & Guaranty Co., fld. v
4-26	4.	<u>Ans.</u> of Deft., James W. Miller, d/b/a Miller Construction Co. & <u>Cross-Compl.</u> against the City of Broken Arrow, OK, fld. v
5-21	5.	Answer of deflt. City of Broken Arrow, filed.k
5-21	6.	Answer of deflt. City of Broken Arrow to cross-complaint of deflt. Miller, filed.k
6-16	7.	Mot. of Pltf. for Summary Judgment, filed. v
6-16	8.	Brief in support, filed. v
6-16	MO:	Defts. granted 10 days from this date to respond. (AEB-J)v
6-25	9.	Deft. James W. Miller's application for order enlarging time to respond to pltf's motion for summary judgment, filed.s 0 to J
6-28	10.	Response of deflt. City of Broken Arrow to pltf's mot. for S/J, filed.k
6-28	11.	Motion of deflt. City of Broken Arrow to bring in Benham-Blair & Affiliates, Inc. d/b/a W. R. Holway & Associates as third party deflt., filed.k
6-29	MO	It is ordered by the Court that the parties file a responsive brief within ten (10) days of this date to the mot. of deflt. City of Broken Arrow to bring in third party deflt. (AEB-J)k cps mld
7-2	12	Response of deflt. James W. Miller to mot. of deflt. City of Broken Arrow to bring in third party deflt., filed. g
7-6	13	Mot. for S/J on behalf of James W. Miller, filed. g
7-6	14	Mot. of USF&G for S/J and brief in support thereof, filed. g
7-6	15	Affd. of James W. Miller, filed. g
7-6	16	Answer brief of James W. Miller and USF&G to pltf's brief and brief in support of deflt. Miller's mot. for S/J, filed. g
7-6	MO	Pltf. directed to file responsive brief of defts' mots. for S/J within 10 days. (AEB-J)g
7-9	17	Order, filed, granting deflt. Miller til 7-8-76 to respond to pltf's mot. for S/J. (AEB-J)k cps mld
7-14	18.	Order, filed, granting deflt. Broken Arrow leave to file third party complaint against Benham-Blair & Affilates, Inc., d/b/a W. R. Holway & Associates. (AEB-J)k cps mld
7-14	19.	Third party complaint against Benham-Blair & Affiliates, filed.k

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT	DOCKET NO. 76-C-154
Hydro Conduit Corp.		James W. Miller, et al	PAGE 3 OF 2 sheets RAGE
DATE	NR.	PROCEEDINGS	
1976			
7-14		Summons issued as to 3rd party deft. Benham-Blair & Affil., Inc.k	
7-19	20.	Affd. of Donald S. More, filed.s	
7-19	21.	Pltf's response to motions for summary judgment and briefs in support thereof and reply to answer brief of defts. James W. Miller and U. S. Fidelity and Guaranty Company, filed.s	
7-26	MO	Case referred to Magistrate Morris L. Bradford for findings and recommendations on pending motions. (AEB-J)k	
7-28		Summons, ret. & filed: served 3rd pty deft. by serving Jewel T. Wood on 7-28-76. (USM \$6.36)g	
8-11	22.	Aff. of Clyde Wright, fld. v	
8-16	23.	Ans. of third party deft. Benham-Blair & Affiliates, Inc., filed.s	
12-6	24.	Deft's application for leave of Court to file cross complaint, filed.s O to J	
12-6	25.	Order, filed, granting deft. leave of Court to file cross complaint.s (AEB-J) cps. mld.	
12-8	26.	Deft. City of Broken Arrow's Cross Complaint against deft. James W. Miller, d/b/a Miller Const. Co., United States Fidelity and Guaranty Company, filed.s	
12-13	27.	Answer of defts. Miller & U.S. Fidelity to cross compl. of deft. Broken Arrow, filed.k	
12-17	MO	The Court has for consideration the Mot. for S/J filed by the pltf., the mot. for S/J filed by the deft. Miller, the mot. for S/J filed by deft. U.S. Fidelity, and finds, that to facilitate the Court in determining the merits of the various mots. for S/J, IT IS ORDERED that the parties filing mot. for S/J submit proposed findings of fact and conclusions of law in support of their respective mots. w/in 30 days from this date. (AEB-J)k cps mld	
1-17-77	28.	Appl. for ext. of time to file proposed findings of fact, etc., fld. Defts. join in appl. v (o)	
1-20	29.	Order, filed, granting pltf. and defts. James W. Miller and United States Fidelity and Guaranty Co. until 1-24-77 to file proposed FF and CL in support of their respective motions for S/J. s (AEB-J) cps. mld.	
1-24	30	Requested findings of fact and conclusions of law of Defts. James W. Miller, d/b/a Miller Construction Co., and United States Fidelity and Guaranty Co., filed.s	
1-25	31.	Proposed findings of fact and conclusions of law of pltf. Hydro Conduit Corp. with respect to its mot. for S/J, filed.s	
1-25	32.	Brief in support of Pltf. Hydro Conduit Corp's proposed Findings of Fact and Conclusions of Law with respect to its mot. for S/J, filed.s	
2-18	33	Motion of deft, James W. Miller, to the third party Deft's Benham-Blair & Affiliates, Inc. and W.R. Holway & Associates, to prod. documents of deft. Miller., with brief. fld ho	

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT	DOCKET NO. _____
Hydro Conduit Corp.		James W. Miller, et al	PAGE <u>4</u> OF <u>2</u> PAGES
DATE	NR.	PROCEEDINGS	
1977			
2-18	34	Motion of Deft., James W. Miller, to the deft, the city of Broken Arrow, OK., to prod. documents, with brief. fld ho	
3-1		Deposition of James W. Miller on behalf of defts., filed. g (\$222.00)	
3-9	35	Deft, the City of Broken Arrow, OK. motion for additional time to respond to motion of deft, James W. Miller to produce documents, with brief and support. fld. O to J. ho	
3-11	36.	Order, filed, granting deft. City of Broken Arrow 30 days to answer deft. Miller's mot. to produce documents. (AEB-J)k cps mld	
4-8	37	Response to deft. James W. Miller's motion to produce documents, filed	
5-2	38.	Order, filed, that mot. for S/J filed by pltf. and mots. for S/J filed by defts. Miller and USF&G are overruled. (AEB-J)k cps mld	
6-14	MO:	Parties are directed to hold PT conf. on or before 7-26-77 and file PT Order on or before 8-2-77. (AEB)k ntc mld	
7-19	39	Pltf. mot. for leave to file its first amended compl. fld. ho O to J by atty.	
7-20	MO	It is ordered by the Ct. that Defts. file a responsive brief w/in 10 days to Pltfs. mot. for leave to file its first amended compl. (AEB-J) cps mld. ho	
7-21	40	Notice of appearance of R. Dow Bonnell as counsel for 3rd party Deft. fld. ho	
8-10	MO	IT IS ORDERED that plaintiffs are allowed to file their First Amended Complaint. (AEB-J)ra	
8-12	41	Pltf. First amended compl. fld. ho	
8-12	42	Deft. & 3rd party Pltf. City of Broken Arrow, ans. to amended compl. fld. ho	
10-17		Depo. of Jewell Wood taken of behalf of the Deft. Miller Const. before Sid Bumgardner CSR w/fees of \$46.50 pd. by Deft. Miller Const. fld. ho	
10-20	43	Motion of pltf. for separate trial on its first amended complaint, filed. g	
10-20	44	Brief in support of mot. for separate trial on 1st amend. compl., fld.	
10-20	MO	Defendants directed to file responsive brief with 10 days to deft's mot. for sep. trial on 1st amended complaint. (AEB-J)g	
10-26	45	Defts. Miller & United States Fidelity appl. for ext. of time to file responsive brief. fld. ho O to J.	
10-26	46.	Order, filed, granting defts. Miller and U. S. Fidelity until 11-9-77 to respond to pltf's mot. for separate trial on its first amended complaint. (AEB-J)k cps mld to movant	
10-31	47.	Deft. City of Broken Arrow's response to pltf's mot. for separate trial, filed.k	
11-1	48	3rd Party Deft. response to Pltfs. mot. for separate trial. fld. ho	
11-4	49	Defts. Miller & USF&G's brief in opposition to pltf's mot. for separate trial on its first amended compl., filed.k	
11-7	MO	Case referred to Mag. Robert S. Rizley pursuant to Order No. M-128. (AEB-J)k	

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT	DOCKET NO. 76-C-154-B
Hydro Conduit		James W. Miller, et al	PAGE 5 OF 3 PAGES
DATE	NR.	PROCEEDINGS	
11-28	MO:	Case set for hearing before Mag. Rizley on 11-28-77/ ^{10:30 A.M.} on pending motion. (RSR-Mag) b nts by KT	
11-25	50	Pltf. Hydro Conduits reply to briefs of Deft. Miller & the City of Broken Arrow in response to Hydro Conduit Corps. mot. for separate trial on its first amended compl. fld. ho	
11-28	Min	Case called for hrg. before Mag. on pltf's mot. for separate trial on first amended compl. Parties represented. Mag. recommends that mot. be considered at pre-trial; that parties complete discovery by 1-15-78; that the pre-trial order be filed by 2-1-78; and pltf. counsel is to prepare findings & recommendations of the Mag. (RSR-Mag)k	
12-6	51	Defts. U.S.F.&G. & Miller not. to take depo. of Jim Whitlock on 12-19-77 in Tulsa, fld. sub. issued. ho	
12-6	52.	Findings & Recommendations of the Mag., filed. Mag. recommends that the Court should enter an order directing parties to complete all pre-trial discovery proceedings on or before 1-16-78, hold a pre-trial conf. & submit a proposed pre-trial order on or before 2-1-78, and pltf's mot. for separate trial be held in abeyance until time of pre-trial. (RSR-Mag)k cps mld	
12-14	53	3rd party Deft. Benham-Blair & Affiliates, Inc. interrog. to Deft. James W. Miller. fld. ho	
12-19		Ret. on depo. sub. served by Richard E. Cox PSL 76-39 served Jim Whitlock on 12-13-77 in Broken Arrow, OK. fld. ho	
12-22	54.	Order, filed, that parties are to complete all pre-trial discovery proceedings by 1-16-78, conduct a pre-trial conf. and submit a proposed pre-trial order by 2-1-78, and pltf's mot. for separate trial on 1st amended compl. is held in abeyance until then. (AEB-J)k cps mld	
<u>1978</u>			
1-4	55	Deft. City of Broken Arrow mot. for leave to amend cross-compl. fld. ho	
1-5	MO	It is ordered that the Defts. James Miller & USF&G are granted 10 days to file a responsive brief to Deft. City of Broken Arrows mo. for leave to amend cross-compl. (AEB-J) c/m ho	
1-9	MO	Case set for hrg. before Mag. on deft. Broken Arrow's mot. to amend cross-compl. against defts. Miller & USF&G on 1-19-78 at 2:00 p.m. (RSR-Mag)k ntc by KT	
1-13	56	Deft. James W. Miller interrog. to 3rd party Deft., Benham-Blair & Affiliates, Inc. fld. ho	
1-13	57	Deft. James Miller ans. to interrog. of 3rd party Deft. Benham-Blair. fld. ho	
1-17	58	Obj. and brief to mot. for leave to file cross-complaint by defts. Miller d/b/a Miller Constr. Co. and U.S.F.&G., filed. g	
1-17	MO	Hearing on mot. for leave to amend cross-complaint stricken from 1-19-78 and re-set for 1-27-78 at 3 P.M. (RSR-Mag) ntc by MG	
1-20	59	3rd Party Deft. mot. to extend time for completion of discovery & submission of proposed PTO with brief in supp. fld. ho	
1-20	60	Response of deft. City of Broken Arrow to deft. Miller;s obj. to amend cross-complaint, filed. g	
1-20	61	Appl. of deft. & 3rd Pty pltf. City of Broken Arrow for ext/time to complete discovery., filed. g	

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT	DOCKET NO. _____
			PAGE <u>6</u> OF <u>3</u> PAGES
1978	NR.	PROCEEDINGS	
1-24	MO	It is ordered that the Pltf. is granted 10 days to file formal obj. to Third Party Deft. Benham-Blair mot. to extend time for completion of Discovery & submission of proposed PTO. (AEB-J) c/m ho	
1-24	MO	It is ordered that the Parties are granted 10 days to file formal obj. to Deft. & 3rd Party Pltf. City of BA appl. for ext. of time to complete discovery. (AEB-J) c/m ho	
1-27	62	Pltf. Hydro Conduit renewal of mot. for separate Trial on its first amended compl. & objection to appl for ext. of time to complete Discovery by Deft. & 3rd Party Pltf. City of Broken Arrow & to mot. to extend time for completion of discovery & submission of proposed PTO by 3rd Party Deft. Benham-Blair. fld. ho	
1-27	63	Pltf. Hydro brief in supp. of the renewed mot. for separate trial on its first amended compl. & its obj. to exts. of time. fld. ho	
1-27	Min	Case called for hrg. before Mag. on deft. Broken Arrow's mot. for leave to amend cross-compl. against defts. Miller and USF&G. Parties represented. Mag. recommends mot. be sustained. Mag. to prepare order. Parties granted 45 days to complete discovery and 60 days to complete and file pretrial order. (RSR-Mag)k	
2-10	64	3rd Party Deft. Benham-Blair ans. to interrog. of Deft. Miller. fld. ho	
3-14	65	Defts. Miller & USF&G /not. to take depo. of John W. Terrill, Jim Whitlock, Lee Cheffey, Charles L. Kimberling, David W. Rumfeldt & Clyde Mansur or Henry Daubert, on 3-23-78 in Tulsa, OK, fld. ho Sub. issued on Terrill, Whitlock, Cheffey & Kimberling.	
3-16	66	Findings & Recommendations of the Mag., filed. Mag. recommends that deft. Broken Arrow's mot. for leave to amend cross-compl. against defts. Miller and USF&G be sustained. (RSR-Mag)k cps mld	
3-28	67	Order, filed, that deft. City of Broken Arrow's mot. for leave to amend cross-compl. against defts. Miller & USF&G is sustained. (AEB-J)k cps mld	
3-28	68	Amended cross-compl. of deft. City of Broken Arrow against defts. Miller and USF&G, filed.k cps mld	
4-4		Depos of Charles Howell Mullis, Jr. & Jack L. Spradling taken on behalf of 3rd Party Defts. Benham-Blair & Affiliates, Inc. on 3-2-78 before Loyd J. Christesson-CSR, fld. ho CSR	
4-14		Depo. of Charles L. Kimberling taken before Paul M. Potts/on 3-23-78 in Tulsa, OK w/fee of \$27.00 pd. by Deff. atty. fld. ho	
4-27	69.	Findings & Recommendations of Magistrate, filed. Mag. recommends that pltf's mot. for separate trial on 1st amended compl. be held in abeyance til	
5-2	70.	Pre-trial Order, filed. (AEB-J)k cps mld to pltf. trial. (RSR-Mag)b	
6-14	MO:	Case set for non-jury trial on 7-17-78, at 10:00 A.M. (AEB-J)b nts cert. w/affid.	
6-19	71	Deft. City of Broken Arrow appl. for continuance, fld. ho 0 to J.	
6-22	72	Pltf. Hydro Conduit conditional consent to appl. for continuance. fld. ho	
6-26	MO	Appl. of deft. City of Broken Arrow to strike case from 7-17-78 non-jury trial docket is granted and case is ordered reset on the August non-jury docket. (AEB-J)k cps of orig. order mld to movant	
7-14	MO:	Case is set for non-jury trial on 8-21-78, at 10:00 A.M. (AEB-J)b nts mld	
8-8	73	Defts. Miller & USF&G list of witnesses, fld. ho	

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CIVIL DOCKET CONTINUATION SHEET

FPI-MAR

PLAINTIFF		DEFENDANT	DOCKET NO. _____
HYDRO CONDUIT CORP.		JAMES W. MILLER, et al	PAGE <u>7</u> OF <u>4</u> PAGES
DATE	NR.	PROCEEDINGS	
1978			
8-11	MO	IT IS ORDERED that this case is stricken from the non-jury docket set for 8-21-78, to be reset on the next non-jury docket. (AEB-J)ho ntc. by phone.	
8-16	--	Ret. of sub. fld. served Joe Gilbert on 8-10-78 in Tulsa, OK served by Yvonne Cox PSL #7683. ho	
8-24	MO:	Case is set for non-jury trial on 9-18-78, at 10:00 A.M. (AEB-J)b nts cert w/affid	
9-5	MO:	The Court has for consideration the letter of Harry M. Crowe, Jr., on the defts' attorneys, which will be treated as a motion for continuance, and being fully advised finds that said motion should be granted & case is stricken from non-jury docket of 9-18-78, to be reset on next non-jury docket. (AEB-J)b nts mld	
9-15	MO:	Case is set for non-jury on 10-16-78, at 10:00 A.M. (AEB-J)b nts cert w/affid	
10-3	---	Deposition of Robert O. Bruton, on behalf of deft., on 8/14/78, filed. (Marydell Shilling-CSR)(\$60 pd by deft)rm	
10-3	---	Deposition of Eugene Burchett, on behalf of deft., Miller, on 8/14/78, filed. (MaryDell Shilling-CSR)(\$16.50 pd by deft)rm	
10-6	74	Deft. City of Broken Arrow appl. for continuance, fld. ho 0 to J.	
10-10	75	Order, filed, striking case from 10-16-78 non-jury trial setting, to be reset on the next non-jury trial docket. (AEB-J)k cps mld to mov-	
10-17	MO:	Case is set for non-jury trial on 11-20-78, at 10:00 A.M. (AEB-J)b nts cert ant w/affid.	
11-15	76	Deft. Benham-Blair & affil. appl. for continuance, fld. ho	
11-15	77	Order, filed, granting deft. Benham-Blair's appl. for continuance & striking case from 11-20-78 non-jury docket, to be reset on order of the Court. (AEB-J)k cps mld & ntc by phone	
12-5	MO:	Case is set for non-jury trial on 1-15-79, 10:00 A.M. (AEB-J)b nts cert w/affid	
1979			
1-11	78	Defts. Miller, d/b/a Miller Const. Co. & U.S. F&G Co. requested F/F & C/L, fld. ho	
1-16-79	MO:	IT IS ORDERED that this case is stricken from non-jury dkt of 1-15-79, & reset on non-jury dkt on 2-20-79, 10:00 A.M. (AEB-J)b nts mld	
2-15	MO	IT IS ORDERED that this case if reset on non-jury dkt. on 2-20-79 at 2:00 p.m. (AEB-J)ho parties notified by phone.	
2-20-79	MO:	Non-Jury trial stricken from dkt. of this date, due to illness of Judge Barrow. Parties advised to contact this office on 2-26-79, for new setting. (AEB-J)b nts by phone	
3-16-79	MO:	Case transferred to Judge Fred Daugherty (JCS-Clk)	
4-25	MO:	Case set for pt conf. for Thurs., 5/10/79 at 3:30 p.m. (FD-J)rm-notice	
5-4	79	Defts. Miller, Miller Const. Co. & USF&G mot. for partial S/J, w/brief, fld. ho	
5-7	MO	It is ordered that the parties file a responsive brief by 5-22-79 to Defts. Miller, Miller Const. Co. & USF&G mot. for partial S/J. (FD-J)ho c/m	

PLAINTIFF		DEFENDANT	DOCKET NO. 76-C-154-D
Hydro Conduit		James W. Miller, et al.	PAGE 8 OF 4 PAGES
DATE	NR.	PROCEEDINGS	
1979 5-10	Min:	PT HEARING. Mo/separate trial, previously abated, overruled. Pltf. to prepare PTO in 30 days. Case to be nonjury. (FD-J)rm	
5-14	80	ORDER, It is ordered that the Pltfs. renewed mot. for separate trial is overruled. (FD-J)ho c/m	
5-16	81	BRIEF of pltf. Hydro Conduit Corp. in Resp. to Mtn. for Partial S/J under Fed. Rules of Civil Procedure 56(d).jc	
5-22	82.	RESPONSE of 3rd pty deft Benham-Blair & Affiliates, Inc. to defts. Miller & United States Fidelity and Guaranty Co. motion for partial summary judgment.lm	
5-25	83.	RESPONSE of City of Broken Arrow to Defts' Miller and U.S. Fidelity and Guaranty Company's Mtn. for P/T Summary Judgment.jc	
6-19	84	PRE-TRIAL ORDER, (FD-J)ho c/m	
6-28	85	MOTION, of Pltf. for partial S/J, re: Defts. Miller & USF&G.	
6-28	86	BRIEF of Pltf. in supp. of mot. for partial S/J. ho	
6-29	MO	ORDER, Defts. Miller & USF&G are ordered to file a responsive brief by 7-14-79 to Pltf. mot. for partial S/J. (FD-J)ho c/m	
7-3	87	REQUEST FOR ADMISSION of facts, by Pltf. to Deft. Miller. ho	
7-12	88	APPLICATION of Defts. Miller & USF&G for ext. fo time to respond to Pltfs. mot. for partial S/J. ho	
7-12	89	ORDER, granting Defts. an ext. of time until 7-24-79 to respond to Pltfs. mot. for partial S/J. (FD-J)by rm, ho c/m to movant.	
7-23	90	ANSWERS of Deft. Miller to Pltfs. request for adm. ho	
7/24	91.	BRIEF OF DEFTS., JMS. MILLER, ETC., & U.S. FIDELITY & GUARANTY CO. in <u>response to mot. for partial summary judgment</u> of Pltf. v	
9-4	92	ORDER that mot/partial S/J of defts. Miller & USF&G is denied, and pltf's mot/partial S/J is denied. (FD-J)k cps mld/5 to FD	
9-24	MO:	CASE SET for nonjury trial before Judge Luther Eubanks for Mon., 11/5/79 at 9:30 a.m. (FD-J)rm-notice	
9-24	93	NOTICE of Defts. re: witness to be called. ho	
10-12	94	MOTION of Defts. Miller & USF&G for partial S/J. ho	
10-12	95	BRIEF of Defts. Miller & USF&G in supp. of mot. for partial S/J. ho	
10-15	MO	ORDER, <i>Deft City of Broken Arrow moved 10-16-79 ho</i> Pltf. is ordered to file a responsive brief by 10-25-79 to Defts. Miller & USF&G mot. for partial S/J. (FD-J)ho c/m	

Eubanks
~~Daugherty~~

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT	DOCKET NO. 76-C-154D PAGE 9 OF 5 PAGES
Hydro Conduit		James W. Miller, et al.	
DATE	NR.	PROCEEDINGS	
10/18	96	TRIAL MEMORANDUM Re: Damages claimed by the City of Broken Arrow against James W. Miller and United States Fidelity and Guaranty Co.jc	
10-24	97	TRIAL BRIEF of Pltf. ho	
10-24	98	APPL. of B.A. for ext. of time to respond to mo/part. SJ of defts. Miller & USF&G. rm	
10-25	MO:	ORDERED by the Court that appl/B.A. for ext. of time to respond to mo/partl. SJ of defts. Miller & USF&G is denied.(FD-J)rm-phoned & <i>etc</i>	
10-26	99	RESPONSE BRIEF of Deft. & 3rd party Pltf. City of B.A. to mot. for partial S/J of Defts. James W. Miller & U.S.F.&G. ho	
11-1	100	ORDER overruling motion for partial S/J. (FD-J)g c/m	
11-1	101	WITNESSES for Broken Arrow and/or Benham-Blair. g	
11-1	102	EXHIBITS (list) for Broken Arrow and/or Benham-Blair. g	
11-1	103	ADDENDUM to exhibits for Broken Arrow and/or Benham-Blair. g	
11-1	MO:	NONJURY trial set for 11/5/79 is passed to 9:30 a.m.11/6/79.(FD-J)rm parties phoned	
11-5	104	ADDL. EXHIBITS which Hydro intends to offer at trial. rm.	
11-5	105	EXHIBITS which Hydro intends to offer at trial. rm	
11-5	-	USM ret. on sub. Served Virgil McGuire, Jr. on 10-30-79. Served Robert O. Bruton, Charles L. Kimberling & Jack L. Spradling on 10-31-79.(Fee \$13.28) b	
11-5	106	TRIAL BRIEF of Deft. & 3rd Parth Pltf. City of BA. ho	
11-6	MO:	CASE TRANSFERRED TO JUDGE LUTHER EUBANKS FOR ALL PURPOSES.(FD-J)rm	
11-6	107	AMENDMENT to Pretrial Order.(LBE-J)rm	
11-9	Min:	NONJURY TRIAL HELD 11/6/79, 11/7/79 & 11/8/79. All parties present and represented. Rule invoked. Opening statements. Pltf. mo/SJ denied. Pltf. presents case in chief w/testimony of witnesses. Pltf. rests. Deft. presents case in chief w/test. & rests as to pltf. claim. Deft. Miller presents 3rd pty. evidence. Judg. awarded in favor of pltf. Hydro & against deft. Miller & USF&G jointly & severally, w/int. at 18% (taken under advisement & to be briefed). Ct. reserves ruling as to atty fees. 3rd pt. deft. continues case in chief w/testimony. 3rd party rests. Deft. BA & BB mo/dismiss denied. Defts. BA & BB present case in chief w/testimony. 3rd pty. presents rebuttal evid. All exhibits admitted and Deft. BA-BB Exhs. 1, 1A & 2 allowed to be withdrawn. Parties rest. Ct. finds in favor of 3rd party pltf., w/counsel to prepare formal order in 15 days. As to pltf. Hydro, Ct. finds 18% int. rate is lawful and appl. against Miller. Pltf. Hydro awarded \$30,000.00 atty fee against deft. Miller only.(Luther Eubanks-J) (G.Dorrough-CR) (D.Kirby CD)rm	
11-9	----	Trial exhibits in exhibit room. rm	

(contd.)

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT	DOCKET NO. 76-C-154 PAGE 10 OF 5 PAGES
Hydro Conduit		James W. Miller	
DATE	NR.	PROCEEDINGS	
1979 11-15	--	REPORTER'S TRANSCRIPT of 'Findings of Ct.' had on 11/8/79. (GRD-CSR) (pp. 1-42) rm <i>(copy sent to Judge on 12-6-79)</i>	
11-15	--	REPORTER'S TRANSCRIPT OF 'Testimony of James W. Miller, Excerpt' had on 11/7/79. (GRD-CSR) (pp. 1-5)rm	
11-21	108	MOTION of pltf. to allow pltf. to recover reasonable atty. fees from deflt. USF&G.k	
11-21	109	BRIEF in support of pltf's mot/recovery of atty. fees from deflt. USF&G.k	
11-21	110	MOTION & BRIEF of 3rd party deflt. Benham-Blair & Affiliates d/b/a W. R. Holway & Assoc. to amend F/F & C/L to delete award of damages to deflt. Miller for loss of use of machinery.k	
11-27	MO:	ORDER that parties are allowed to file resp briefs, if any, on or before 12-7-79, to 3rd-party deflt Benham-Blair's mot/amend FF & CL to delete award of damages to deflt Miller. (LE-J)ra c/m	
11-29	111.	MO/AMEND of B.A. to amend FF/CL and Req. for addl. FF/CL.	
11-29	112.	PROPOSED CL/FF of B.A. rm	
11-29	113.	BRIEF of B.A. in support of proposed FF/CL, mo/amend and proposed journal entry. rm	
12-6	114.	RESPONSE of Miller to Hydro's motion. rm <i>copy to S. Banks</i>	
12-6	115	ORDER, re: the possibility that atty. fees may be recovered if a contract or statutory provision so allows. (LBE-J)ho c/m	
12-6	116	JOURNAL ENTRY OF JUDGMENT, entered, It is ordered that judgment be entered in favor of Pltf. Hydro Conduit & against Defts. Miller & U.S.F.&G., jointly & severally, in the sum of \$44,949.39 for principal, + \$28,453.96 for int. computed at 18% per annum from the date unpaid amts. became past due through 11-8-79, + \$30,000.00 for atty. fees & all costs of this action, together w/int. at the rate of 18% per annum on the total of said amts. (\$103,403.35 + costs) from 11-8-79 until paid. (LBE-J)ho c/m	
12-7	117	RESPONSE of Miller to Holway and City. rm <i>copy to S. Banks</i>	
12-10	118	BILL OF COSTS in amt. of \$1,012.51, filed by pltf. Hydro. Cost hrg. set before Clerk 12/20/79 at 10 a.m. rm	
12-17	119	RESPONSE of BB&A to BA's mo/addl. FF. rm	
12-20	--	COST HRG. held before Clerk. Costs taxed in amt. of \$80.52 in favor of pltf. Hydro and against Miller dba Miller Con. & USF&G. (JCS-Clk)rm	

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT	DOCKET NO. 76-C-154
Hydro Conduit		James W. Miller et al	PAGE 11 OF 6 PAGES
DATE	NR.	PROCEEDINGS	
1980 1-23	MO:	CASE set for hrg. on all pending motions for Monday, 1/28/80, at 1:00 p.m. before Judge Eubanks in Tulsa.(LBE-J)rm-notices	
1-28	Min:	HEARING HELD on pending motions of Benham-Blair, City of Broken Arrow and Miller. Statements made by counsel and Ct. makes findings. Mr. Sanders, counsel for Miller & USF&G, makes oral request for attys. fees. Mr. Sanders sworn & testifies re attys. fees. Mr. Sanders Ex. 1 admitted into evidence (log of work performed). After cross examination, Ct. finds \$25,000 adequate fee for Mr. Sanders. Mr. Sanders directed to prepare formal Order re this hearing and final judg. and to submit same to Judge Eubanks in O.C. Opposing counsel to submit any objs. and the Ct. will enter final order and judg.(LBE-J) (G.Dorrough-CSR) rm	
1-28	---	Deft. Miller's Exh. 1 admitted.(in file)rm	
1-28	120	RELEASE & SATISFACTION OF JUDGMENT by Pltf. ho (judg. of 12/6/79)	
2-5	121	FINAL JUDGMENT, entered - that deft. James W. Miller dba Miller Const. have judg. against deft. City of BA in sum of \$129,445.74, w/int. at 6% from 2/2/76 to 1/28/80 & thereafter at 12% til pd.; and for further sum of \$25,000 atty fees & costs; further, that City of B.A. have judg. against deft. Benham-Blair & Affiliates dba W. R. Holway & Assoc. for sum of \$22,500, w/int. at 12% & costs. (Luther B. Eubanks-J)rm-c/m	
2-8	122	BILL OF COSTS of deft. Miller in amt. of \$920.70. Costs to be taxed on 2-14-80 at 10:30 a.m. (JCS-J)k cps by deft.	
2-14	---	COSTS, taxed, in amt of \$920.70 for deft James W. Miller d/b/a Miller Construction against City of Broken Arrow.(JCS-CC)ra	
2-19	123	MOTION of deft., Broken Arrow, for stay of execution pending appeal.rm	
2-19	124	BRIEF in support of mo/stay. rm	
2-19	125	NOTICE of appeal by Broken Arrow from judg. of 2/5/80.rm-c/m counsel and USCA	
2-19	---	FILING AND DOCKETING FEES PAID.(\$70.00) rm	
2-20	126	NOTICE OF APPEAL by 3rd pty deft., Benham-Blair dba W. R. Holway from judg. of 2/5/80. rm - c/m counsel and USCA	
2-20	---	DOCKETING & FILING FEES PAID.(\$70.00)rm	
2-21	127	ORDER staying execution of 2/5/80 judg. pending appeal.rm - c/m	
2-25	--	LETTER from 10th Circuit, assigning No. 80-1247 to Broken Arrow appeal. rm	

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT	DOCKET NO. <u>76-C-154</u>
Hydro Conduit		James W. Miller et al	PAGE <u>12</u> OF <u>6</u> PAGES
DATE	NR.	PROCEEDINGS	
<u>1980</u> <u>2-25</u>	128	NOTICE of transcript order of Broken Arrow. (Tr. by 3/25/80)rm)c/m to	
2-25	129	NOTICE of transcript order by Benham-Blair. (Tr. by 3/25/80)rm) USCA	
2-28	130	PROPOSED FF/CL of Defts. Millers & USF&G. rm	
2-28	131	CERTIFICATE of designation of Broken Arrow. rm	
2-28	132	CERTIFICATE of designation of Benham-Blair. rm	
2-29	---	LETTER from 10th Circuit, assigning No. 80-1261 to cross-appeal of Benham-Blair.rm	
3-24	---	REPORTER'S TRANSCRIPTS (3 vols) of nonjury trial proceedings had on November 6, 7 and 8, 1979. (pp. 1-649) (G.Dorrrough-CSR)rm	
3-24	---	REPORTER'S TRANSCRIPT (1 vol) of hearing on motions, had on Jan. 28, 1980. (pp. 1-72) (G. Dorrrough-CSR)rm	
3-24	133	TRANSCRIPT filing certificate of Glen Dorrrough.rm - c/m USCA	
<u>3-25</u> <u>1981</u>	----	APPEAL RECORD (7 vols) transmitted to 10th Circuit. rm	
10-6	134	APPLICATION of defts, Miller & US Fidelity & Guaranty Co, for atty's fees expended on appeal;w/brief in supp. jc	
10-6	135	AFFIDAVIT of David H. Sanders, atty for defts Miller & US Fidelity.jc	
11-9	136	MANDATE & OPINION of 10th Cir., reversing in part, affirming in part and remanding for entry of judg. & further proceedings in accordance w/opinion. rm	
11-13	137	DEMAND for jury trial of third party deft. Benham-Blair. hm	
11-16	--	APPEAL RECORD (7 vols) received from 10th Cir. rm	
11-18	138	ORDER giving 3rd pty deft, Benham-Blair & Affiliates, Inc, until 11-28-81 to resist app of defts Millers for allowance of add'l atty fees & costs,; Clk to mail copies to counsel. (LBE-J)jc (c/ptys)	
11-18	139	ORDER denying 3rd pty deft, Benham-Blair's demand for JT; the remaining issues specified for hrg on remand w/be heard by the Ct w/out a jury; further Clk of Ct. directed to mail a copy of this order to counsel of record. (LBE-J) jc (c/ptys)	
11-25	140	RESPONSE of 3rd pty defts, Benham-Blair & Affiliates, Inc. to Miller Construction Co & US Fidelity & Guaranty Co, defts, app. for allow. of add'l attys' fees & costs. jc (cpy to J.Eubanks)	
11-30	141	RESPONSE of City of Broken Arrow to the application for allowance of additional atty fees file by Miller Construction Co. dm	
2-24-82	---	LTR. from Judge Eubanks to counsel, re Pet/Cert. to Supreme Ct.rm	
			* * * * *

CIVIL DOCKET CONTINUATION SHEET

FPI-MAR

PLAINTIFF		DEFENDANT	DOCKET NO. _____
HYDRO CONDUIT CORPORATION		JAMES W. MILLER, et al	PAGE <u>13</u> OF <u>17</u> PAGES
DATE 1982	NR.	PROCEEDINGS	
2-26	MO	CASE set for hrg on atty fees on 3/19/82 at 11:00 AM. (LE-J)a cps/mld & ct rprr	
3-19	MIN	HRG HELD on atty fees; Ct approves atty fees to go to Sanders & Carpenter firm; Sanders to prepare 0; Ray Wilburn to file mot/ brief in re: Rule 60. (LE-J)a	
3-26	142	MOTION of deft, City of Broken Arrow to correct jmn't. jc	
3-26	143	BRIEF in support of #142. jc	
4-6	144	MOTION of 3rd party deft to set for PT conf.a	
4-6	145	BRIEF in support of #144.a	
4-12	---	LTR. from 10th Cir. that pet/cert. to Supreme Ct. was denied.rm	
4-9	146	ORDER direct.ptys to exchg witness lists by 5-9-82 w/cpy to be filed w/Clk & other ptys simultaneously; further that ptys directed to furnish cpys of exhbs intended to be introduced in evidence w/descripts. etc. by 5-9-82 also to be filed w/clk., any to be filed by w/Clk by 5-14-82; further that pltf, City of BA, Ok. serve 3rd pty defts a full state. of its contentions etc by 5-9-82; 3rd pty defts to serve & file w/Clk by 5-16-82 their ans. & claimed defenses to claims of 3rd pty pltf. (LBE-J) jc (c/ptys)	
4-19	MO	"THE CITY of BA has filed herein its mo/to correct the jmn't & has submitted a brief in support of said mo. IT IS DIRECTED that the pltf resp. to said mot.w/in (10) days (by 4-26-82) from this date in the event it desires to resist the same. (LBE-J) jc (c/ptys)	
5-6	147	ORDERED that defts, James W. Miller & USF&G recover judgment from City of BA, OK for attys fees & costs incurred as a result of the appeal by City of BA in the sum of \$6,195.35. (LE-J)a cps/mld	
5-10	---	LIST OF WITNESSES of 3rd party deft, Benham-Blair. (lg laying behind file)a	
5-10	148	STATEMENT OF CONTENTIONS.a cp/mld to Judge Eubanks	
5-10	149	WITNESS LIST of deft, City of BA.a cp/mld to Eubanks.	
5-14	150	ANSWER to the addt'l claims of City of BA as set forth in its "statement of contentions" filed 5/10/82.a cp mld to Eubanks.	
5-17	--	DEPOSITION of Ray Junior Harral & John W. Terrell. (Fee:\$60.00 pd by 3rd pty deft)jc	
7-23	151	ORDERED that PT conf is set for 7/30/82 @ 1:00 PM in Judge Cook's conf room. (LE-J)a clk notified by phone & mailed copy of Order.	

CIVIL DOCKET CONTINUATION SHEET

FPI-MAR

PLAINTIFF		DEFENDANT	DOCKET NO. _____
HYDRO CONDUIT CORP		JAMES W. MILLER, et al	PAGE 14 OF 87 PAGES
DATE	NR.	PROCEEDINGS	
7-30	MIN	PT CONF HELD: 1:00-1:50: City of BA to prepare PT Order by 8/18/82; thereafter Judge will set for evidentiary hrg; Benham-Blair to prepare mot/limine & brief; City of BA to prepare Order in re: this hrg.(LE-J)a	
7-30	MO	ORDER that motion & brief of 3/26/82 to correct judgment of 2/5/80 shall be granted for reasons that pltf did not resp w/in the time limit.(LE-J)a cps/mld by deft	
7-30	152	AMENDMENT/to summary of testimony of Jack Cornett. jc	
7-30	153	ADDENDUM by deft to Benham-Blair list of exhbts. jc	
7-30	154	SUMMARY by deft of Testimony of J. L. Blaess, P. E. jc	
8-18	155	RESPONSE of deft., James W. Miller to mot. of City of B.A. to correct judgment. bb	
8-18	156	MOTION of 3rd pty deft., in limine. bb	
8-18	157	BRIEF in support of above mot. bb	
8-27	158	SUPPLEMENTARY PTO. (LBE-J) cm bb ✓	
8-30	159	RESP of deft, Broken Arrow to 3rd pty defts, Benham Blair's mot/limine.a	
9-2	--	DEPOSITION of Jack B. Cornett, taken on behalf of the pltf., on 8-26-82, before Martha J. Butler, C.S.R. Fee \$102.00 pd by pltf. bb	
9-2	--	DEPOSITION of Jewell Wood, taken on behalf of pltf., on 8-26-82, before Martha J. Butler. Fee \$54.00 pd by pltf. bb	
9-7	160	REPLY of 3rd pty deft., Benham-Blair & Affiliates, Inc., to deft., Broken Arrow's response to Mot/limine. bb	
11-3	---	NON-JURY to be held in Ctrm #3 @ 9:30 AM, ^{on 11-29-82} ff/cl & trial briefs due by 11-19-82.(LBE-J)a cps/mld	
11-19	161	TRIAL BRIEF of deft, City of BA.a	
11-19	162	PROPOSED FINDINGS OF FACT & CONCLUSIONS OF LAW of deft, Benham Blairs a	
11-19	163	TRIAL BRIEFS of deft Benham Blair, proceedins subsequent to mandate of the Ct of Appeals.a	
11-23	164	PROPOSED FINDINGS OF FACT & CONCLUSIONS OF LAW of deft, City of BA.	
11-23	165	MOTION for partial SJ of deft, City of BA.a	
11-23	166	BRIEF in support of partial SJ of deft, City of BA.a	
11-23	167	MOTION of deft, City of BA, in limine.a	
11-23	168	BRIEF in support of deft, City of BA, in limine.a	

CIVIL DOCKET CONTINUATION SHEET

FPI-MAR

PLAINTIFF		DEFENDANT	DOCKET NO. _____
HYDRO CONDUIT CORP		CITY OF BROKEN ARROW, et al	PAGE <u>15</u> OF <u>8</u> PAGES
DATE	NR.	PROCEEDINGS	
11-29	MIN	NON JURY TRIAL HELD; City of BA & Benham Blair present w/counsel; rule invoked; opening statements; parties present chief w/testimony; JUDGMENT entered for the City of Broken Arrow & against the deft, Benham-Blair for the sum of \$271,560.41 + 6% interest from 1-26-76. (LE-J)a (BC-CR) exhbs in exhb room. Hrg on atty fees set for 11-30-82 @ 8:30 AM.(LE-J)a	
11-30	MIN	HRG held on atty fees: motion of City of BA is denied; pre-judgment interest is denied; City of BA to prepare judgment w/in 10 days. (LE-J)a	
12-6	--	RETURN on subpoenas; served Jack Cornette on 11-23-82(\$4.52) served Jewell Wood on 11-23-82(\$2.00)a	
12-8	169	JOURNAL ENTRY of judgment against Benham-Blair in the sum of \$271.560.41 + costs w/post judgment interest to run @ 15% from the date of this judgment(LBE-J)a cps/mld ENTERED	
12-13	170	BILL of COSTS of deft, City of Broken Arrow in amt of \$2,086.15; hrg set before clerk on 12/23/82 at 10:30 a.m. bv	
<u>1983</u>			
1-6	---	BILL of costs taxed before clerk against deft, Benham Blair in the amt of \$1,702.34.(JCS-CLK)a	
1-6	171	NOTICE OF APPEAL by Benham-Blair & Affiliates, Inc. (3rd pty. Deft) from the judg. entered on 12-8-82. pt fees paid cps/mld&USCA	
1-6	172	MOTION fo r stay of judgment by 3rd pty. Deft. pt (O)to Eubanks	
1-11	173	ORDER of deft, Benham Blair for stay of judgment & fixing super-sedeas bond.(LE-J)a cps/mvt & Judge	
1-13	174	NOTICE OF TRANSCRIPT ORDER (ETT COMPL. DATE - 5-1-83) pt cpy/USCA	
1-17	175	NOTICE OF TRANSCRIPT ORDER (ETT COMPL. DATE - 5-1-83) pt (#174 in proper form)	
1-17	176	CERTIFICATE OF DESIGNATION OF RECORD ON APPEAL. pt	
1-20	177	NOTICE OF CROSS APPEAL by City of Broken Arrow, Deft. & 3rd pty. Pltf. from the final judg. entered 12-8-82 & from the notice of appeal filed 1-6-83. pt fees paid cps/mld&USCA	
1-21	--	LTR. recd. from 10th Cir. assigning Appeal No. 83-1070. pt	
1-25	178	REQUEST of City of Broken Arrow that Benham Blair & Affiliates be required to post supersedeas bond.a	
1-28	179	MOTION of deft, James W. Miller upon resp of Miller to mot/City of BA to correct judgment filed on 8-18-82.(O to Eubanks)a	

DC-111A REV. (1/75)

CIVIL DOCKET CONTINUATION SHEET

FPI-MAR

PLAINTIFF		DEFENDANT	DOCKET NO. 76-C-154 - Eu
Hydro Conduit		Miller and Broken Arrow	PAGE 16 OF 8 PAGES
DATE	NR.	PROCEEDINGS	
1983			
1-31	--	LTR. from 10th Cir., assigning 83-1139 to cross appeal. rm	
1-31	180	NOTICE OF TRANSCRIPT ORDER by cross appellant, B.A. (transcript already ordered under no. 83-1070)rm-c/m USCA	
2-1	MO	DEFT MILLER filed mo relating to ques of whether the orig judgment can properly be corrected at this time or could the same have been corrected at any other time since the opinion of the Court of Appeals was entered. ORDER of the Court that any party who wishes to oppose said motion shall do so by filing brief in opposition thereto within 15 days from this date. (LBE-J) bv c/m Hopkins, Wilburn, & McGowan	
1-31	181	SUPERSEDEAS BOND in the amt of \$325,000.00 approved by JCS-CLK. bv	
2-4	182	CERTIFICATE OF DESIGNATION OF RECORD ON APPEAL. pt	
2-16	183	OBJECTION of Broken Arrow to Miller's obj. to the Ct's correction of the judg. pt	
2-16	184	AFFIDAVIT of Dennis King. pt	
2-22	185	ORDER that order of 7-30-82 is a final appealable order & that the instant attack upon that order is untimely & improper, therefore the motion of Miller of 1-28-83 to correct the order is denied.(LE-J) a cps/mld	
3-25	136	JOINT MOTION to settle journal entry. (cy mailed Judge Eubanks) bv	
3-30	187	JUDGMENT entered [pursuant to jt. mo/settle] (LB-J)rm-c/m	
4-1	188	JOURNAL ENTRY OF JUDGMENT, entered, betw. the City of Broken Arrow and James W. Miller d/b/a Miller Construction Co. is settled; Deft. James M. Miller d/b/a Miller Construction Co. recover judg. from Deft. City of Broken in the amt. of \$129,445.74; w/prejudg. inte. at the rate of 6% per annum from 2-2-76 to 1-28-80 plus atty fees of \$25,000 for trial; plus atty. fees & costs of appeal of \$6,195.35; & judg. will bear int. at the rate of 10% per annum from 1-28-80 until paid. (LE-J) pt cps/mld (SUBSTITUTE FOR JUDG. #187)	
4-21	189	PARTIAL RELEASE & SATISFACTION of Judgment & Receipt. bv	
5-2	--	REPORTER'S TRANSCRIPT of proceedings had on 11-29&30-82, NJT. pt (orig. & clk's copy)	
5-11	--	APPEAL RECORDS, Vols. I-V, transmitted to 10th Cir. pt	
7-22	190	PARTIAL release and satisfaction of jdgt against Benham-Blair & Affiliates, Inc. dm	
1984			
2-29	191	PARTIAL release & satisfaction of judgment & receipt. hm	
3-8-85	192	RELEASE & satisfaction of judgment. t	

Continued

DC-111A REV. (1/75)

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT	DOCKET NO. <u>76-C-154</u> Eu
HYDRO CONDUIT CORP.		JAMES W.MILLER, ET. AL.	PAGE <u>17</u> OF <u>9</u> PAGES
DATE 1985	NR.	PROCEEDINGS	
8-5	193	MANDATE recd. form 10th Cir. affirming in part & remanding in part to the Dist. Ct. w/instructions to amend the award by adding \$34,295. pt (O to J for OK) 83-1070 & 83-1139	
8-27	194	RELEASE & SATISFACTION of judgment for the sum of \$717,749.70 from Benham-Blair; sum is full payment of the judgment as modified by USCA rendered on 11/29/82.a	
9-4	--	ORIGINAL RECORD (Vols. I, II, IIIA, IVa & VA - 83-1070 & 83-1139) and (Vols. IIA, IIV, IIC thru VII - 80-1247 & 80-1261) rec'd from Tenth Circuit. hm	
11-6	MO	ACTION is closed pursuant to Judge Eubanks as set forth in the release & satisfaction filed on 10-27-85.a	
11-7	--	EXHIBITS & DEPOS returned to counsel. hm (deft Benham-Blair & City of B.A.'s ex. destroyed purs. to directions from Mr. Wilburn & Mr. Crowe)hm	

PLAINTIFF		DEFENDANT	DOCKET NO. _____
			PAGE ____ OF ____ PAGES
DATE	NR.	PROCEEDINGS	